UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
LEE, CHUN KUAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 March 2007_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _17 June 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

<u>RESPONSE TO ARGUMENTS</u>

1.   Applicant's submission of the Appeal Brief filed on March 20, 2007 is
acknowledged. Applicant's remarks submitted in the Appeal Brief are considered
persuasive. In view of the Appeal Brief filed on March 20, 2007, PROSECUTION IS
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by
signing below:

Therefore the <u>FINALITY</u> of the office action dated August 16, 2006 is hereby
withdrawn. The examiner requests the applicants to consider the new grounds of
rejection provided below. Currently, claims 1-23 are pending for examination.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found

to conform to the requirements prescribed in **37 C.F.R. 1.63.**

II. INFORMATION CONCERNING DRAWINGS

Drawings

3.   The applicant's drawings submitted are acceptable for examination purposes.

III. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 6-7, 10-11, 15-16 and 19-22 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Raverdy et al. (US Patent 6,957,217) in view of Applicant's

Admitted Prior Art (AAPA).

5.   As per claims 1 and 15, Raverdy teaches a presence attribute information server

and a manager application comprising:

a processor (CPU 512 of Fig. 5);

an interface unit (I/O interfaces 520 of Fig. 5), coupled to the processor, including

a data input device for receiving data (e.g. user presence attribute information) and a

network interface for transmitting data (e.g. user presence attribute information) (col. 8,

II. 43-50), wherein data are received and transmitted via downloading and uploading

through a network (Fig. 1, ref. 130, 150);

a storage unit (server memory 516 of Fig. 5 and Fig. 6), coupled to the interface

unit (Fig. 5, ref. 520) and the processor (Fig. 5, ref. 512), including user presence

attribute information (user information 618 and access right manager 626 of Fig. 6) and

associated access authorization information (e.g. information stored in and utilized by

the login/configuration manager 620 of Fig. 6 for implementing a login procedure to

initially connect the user device to the event server, therefore the corresponding user

presence attribute information transferred during and after the login procedure must be

associated with the access authorization information) organized and arranged as one or

more entries in a data structure (Fig. 7 and col. 9, I. 26 to col. 10, I. 39);

wherein said access authorization entries are each associated with

corresponding user presence attribute information entries (as the user device must

initially login to be connected (Fig. 9, ref. 924), therefore the access authorization

entries must each be associated with the corresponding user presence attribute

information entries for the corresponding logged in user device), each user presence

attribute information entry having a presence attribute value field, corresponding to one

or more types of presence attributes (e.g. user profile, location information, access right)

(col. 10, ll. 18-39), and

each access authorization information entry having a user field identifying one or

more users (e.g. user data) and one or more access condition entries (e.g. access

code) (col. 7, ll. 22-43 and col. 9, ll. 26-43), wherein the user device must be identified

to implement the login properly, as the user data comprising user profile (Fig. 4, ref.

412), along with the correct access code is transferred to the event server during the

login procedure.

Raverdy does not teach the presence attribute information server and the

manager application comprising:

receiving and transmitting user presence attribute information; and

an access condition define the condition when the corresponding user presence

attribute information is available to the corresponding identified one or more users.

AAPA teaches the presence attribute information server and the manager

application comprising:

receiving and transmitting user presence attribute information (Specification, p. 1,

ll. 10-16 and p. 2, ll. 5-7); and

an access condition (e.g. during business hours) define the condition when the

corresponding user presence attribute information (e.g. employee location) is available

to the corresponding identified one or more users (e.g. employer) (Specification, p. 2, ll.

19-22).

It would have been obvious for one of ordinary skill in this art, at the time of

invention was made to include <u>AAPA</u>'s user presence attribute information into

<u>Raverdy</u>'s system for the benefit of selectively providing information to a user device

thus increasing security for acing the information (<u>Raverdy</u>, col. 1, ll. 56-64) to obtain the

invention as specified in claims 1 and 15.

6.   As per claim 6, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 1 as

discussed above, where both further teach the presence attribute information server

comprising wherein at least one of the one or more access condition entries includes a

proximity relative to a predetermined location (e.g. location profile) (<u>AAPA</u>,

Specification, p. 1, ll. 12-13 and <u>Raverdy</u>, col. 7, ll. 22-43 and col. 9, ll. 26-43).

7.   As per claim 7, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 6 as

discussed above, where both further teach the presence attribute information server

comprising wherein the predetermined location includes a specific place (e.g. location)

(<u>AAPA</u>, Specification, p. 1, ll. 12-13 and <u>Raverdy</u>, col. 7, ll. 22-43 and col. 9, ll. 26-43).

8.   As per claim 10, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 6 as

discussed above, where <u>Raverdy</u> further teaches the presence attribute information

server comprising wherein the location is relative to the at least one of item or person

(e.g. user device) associated with the user presence attribute information (<u>Raverdy</u>, col.

4, ll. 48-54, col. 7, ll. 22-43 and col. 9, ll. 26-43).

9.   As per claim 11, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 6 as

discussed above, where <u>Raverdy</u> further teaches the presence attribute information

server comprising wherein the location is relative to the user requesting (e.g. user

utilizing the user device at a particular location) the user presence attribute information

(<u>Raverdy</u>, col. 7, ll. 22-43 and col. 9, ll. 26-56).

10.   As per claim 16, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 15 as

discussed above, where <u>Raverdy</u> further teaches the manager application comprising

wherein said interface unit is further adapted for receiving access conditions (e.g.

access code and other user data) associated with one or more users, which are used to

formulate access authorization entries (<u>Raverdy</u>, col. 9, ll. 26-43).

11.   As per claim 19, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 15 as

discussed above, where <u>Raverdy</u> further teaches the manager application further

comprising a broadcast unit (e.g. wireless interface), coupled to the interface unit and

the storage unit (<u>Raverdy</u>, col. 8, ll. 23-35), the broadcast unit being adapted to transmit

updated user presence attribute information (e.g. time-stamped access information) to

at least one of a presence attribute information server (<u>Raverdy</u>, Fig. 1, ref. 130, 122)

and subscribed users (e.g. user device (<u>Raverdy</u>, Fig. 1, ref. 114) utilized by the user),

that are currently authorized to receive updates, when the user presence attribute

information changes (<u>Raverdy</u>, Fig. 9, ref. 940 and col. 11, ll. 52-63), as the access right

of the user device expires the updated information comprising the termination of the

connection is transferred to the LAN then to the base station and finally to the user

utilizing the user device.

12.   As per claim 20, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 19 as

discussed above, where <u>Raverdy</u> further teaches the manager application comprising

wherein the broadcast unit includes a set of prestored instructions for execution by the

processor (<u>Raverdy</u>, col. 9, ll. 10-14).

13.   As per claim 21, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 19 as

discussed above, where <u>Raverdy</u> further teaches the manager application comprising

wherein the presence attribute information manager application is incorporated as part

of a portable electronic device (<u>Raverdy</u>, col. 4, ll. 48-54).

14.   As per claim 22, <u>Raverdy</u> and <u>AAPA</u> teach all the limitation of claim 21 as

discussed above, where <u>Raverdy</u> further teaches the manager application comprising

wherein the portable electronic device is a wireless radio frequency telephone (e.g.

cellular telephone device) (<u>Raverdy</u>, col. 4, ll. 48-54).

15.   Claims 2-5, 13-14 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Raverdy et al.</u> (US Patent 6,957,217) in view of <u>AAPA</u> as applied to

claims 1 and 15, and further in view of <u>Wade et al.</u> (US Patent 5,552,776).

16.   As per claim 2, <u>Raverdy</u> and <u>AAPA</u> teach all the limitations of claim 1 as

discussed above, where, <u>Raverdy</u> further teaches the presence attribute information

server comprising selectively providing information to the user device comprising

access to various services and content information based on time-stamped access

information (<u>Raverdy</u>, col. 11, ll. 6-63).

        <u>Raverdy</u> and <u>AAPA</u> does not expressly teach the presence attribute information

server comprising wherein at least one of the one or more access condition entries

includes a predetermined period of time to be matched.

        <u>Wade</u> teaches a security system and method for controlling access to computing

device comprising matching of a predetermined period of time in order to gain access

into the computing device (Fig. 3; col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

        It would have been obvious for one of ordinary skill in this art, at the time of

invention was made to include <u>Wade</u>'s matching of the predetermined period of time

into <u>Raverdy</u> and <u>AAPA</u>'s presence attribute information server for the benefit of

providing an enhanced versatile and flexible security control over access of data in a

computing device (<u>Wade</u>, col. 2, ll. 18-29) to obtain the invention as specified in claim 2.

17.   As per claim 3, <u>Raverdy</u>, <u>AAPA</u> and <u>Wade</u> teach all the limitations of claim 2 as

discussed above, where <u>Wade</u> further teaches the presence attribute information server

comprising wherein the predetermined period of time includes a time of day (<u>Wade</u>, Fig.

3, col. 7, ll. 20-46 and col. 9, l. 35 to col. 10, l. 41).

18.   As per claim 4, <u>Raverdy</u>, <u>AAPA</u> and <u>Wade</u> teach all the limitations of claim 2 as

discussed above, where <u>Wade</u> further teaches the presence attribute information server

comprising wherein the predetermined period of time includes a day of the week (<u>Wade</u>,

Fig. 3, col. 7, II. 20-46 and col. 9, I. 35 to col. 10, I. 41).

19.   As per claim 5, <u>Raverdy</u>, <u>AAPA</u> and <u>Wade</u> teach all the limitations of claim 2 as

discussed above, where <u>Wade</u> further teaches the presence attribute information server

comprising wherein a predetermined period of time includes a point in time identifying

the beginning of the predetermined period and a point in time identifying the end of the

predetermined period (<u>Wade</u>, Fig. 3, col. 7, II. 20-46 and col. 9, I. 35 to col. 10, I. 41).

20.   As per claims 13-14 and 23, <u>Raverdy</u> and <u>AAPA</u> teach all the limitations of claims

1 as discussed above, where both further teach the presence attribute information

server and a method for managing the access to presence attribute information

comprising:

an access validation unit, coupled to the interface unit and the storage unit, the

access validation unit being adapted for validating the received access code and other

user data (<u>Raverdy</u>, col. 9, II. 26-43);

determining whether the user requesting the information is authorized to have

access to the requested user presence attribute information (<u>Raverdy</u>, Fig. 9, ref. 924,

wherein the user must provide the correct access code and the corresponding user data

in order to have access) including

> receiving any conditions (status information) relative to the requesting user
>
> associated with receiving access to the information (Raverdy, col. 9, II. 26-43),
>
> wherein the received condition comprising the access code and the user data
>
> including the user profile is associated with the at least one of item or person
>
> (e.g. user device), and
>
> determining (comparing) whether the received conditions associated with
>
> receiving access have been met (Raverdy, Fig. 9, ref. 924), wherein the correct
>
> access code and user profile must be provided in order to complete the login
>
> procedure;

wherein, if the user has met the conditions associated with receiving access,

then forwarding the user presence attribute information to the requesting user (AAPA,

Specification, p. 2, II. 19-22 and Raverdy, col. 6, II. 62-65); and

wherein the access validation unit includes a set of prestored instructions for

execution by the processor (Raverdy, col. 9, II. 10-14).

Raverdy and AAPA does not expressly teach the presence attribute information

server and the method for managing the access to presence attribute information

comprising:

the access validation unit receiving a request for user presence attribute

information; and

the status information comprising the current time and date.

Wade teaches a security system and method for controlling access to computing

device comprising:

access validation unit for receiving request to access a computing device (col. 8,

II. 53-65 and col. 16, I. 58 to col. 17, I. 7);

matching of a predetermined period of time in order to gain access into the

computing device (Fig. 3; col. 7, II. 20-46 and col. 9, I. 35 to col. 10, I. 41); and

wherein the period of time include the time of date and date of week (Fig. 3; col.

7, II. 20-46 and col. 9, I. 35 to col. 10, I. 41).

It would have been obvious for one of ordinary skill in this art, at the time of

invention was made to include Wade's matching of the predetermined period of time

into Raverdy and AAPA's presence attribute information server for the benefit of

providing an enhanced versatile and flexible security control over access of data in a

computing device (Wade, col. 2, II. 18-29) to obtain the invention as specified in claims

13-14 and 23.

21.   Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Raverdy et al. (US Patent 6,957,217) in view of AAPA as applied to claims 1 and

15, and further in view of Fushiki et al. (US Patent 6,433,704).

Raverdy and AAPA teaches all the limitations of claims 6 and 15 as discussed

above, where Raverdy further teaches the presence attribute information server and the

manager application comprising:

a base station coupled to the user device (Raverdy, Fig. 1);

the location profiles (Raverdy, col. 7, ll. 22-43 and col. 9 line 26-56); and

wherein said interface unit further includes a data output device (Raverdy,

display 518 of Fig. 5) for presenting information in an iconic format (Raverdy, Fig. 5)

Raverdy and AAPA does not expressly teach the presence attribute information

server and the manager application comprising:

wherein the predetermined location include the present place;

wherein the proximity corresponds to a predetermined distance;

presenting the condition associated with authorizing access in an iconic format;

and

the data input device is further adapted for modifying the conditions being

presented by the data output device associated with authorizing access to user

presence attribute information associated with one or more users.

Fushiki teaches a system and method comprising:

a communication device comprising of a communication interface, memory and

processor (Fig. 2; Fig. 8; Fig. 10 and col. 4, ll. 24-37);

a longitude and latitude information to represent the present position of the

portable terminal (Fig. 4; Fig. 6; Fig. 9 and col. 7, ll. 4-47); and

a coverage area (e.g. predetermined distance) for the corresponding

communication device (Fig. 7 and col. 6, ll. 33-64);

the display screen (i.e. data output device) presenting requested information in

an iconic format through using graphic user interface (GUI) for data inputting (Fig. 12

and col. 9, ll. 4-44); and

the GUI is adapted to modify the requested information being presented by the

display screen (Fig. 12 and col. 9, ll. 4-44).

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to include Fushiki's longitude and latitude information, coverage

area, presenting the requested information and the input device modifying the data

presented by the output device into Raverdy and AAPA's the presence attribute

information server and the manager application for the benefit of enabling accurate

determination of the position of the user device globally to obtain the invention as

specified in claims 8-9 and 17-18. The resulting combination of the references teaches

the presence attribute information server and the manager application comprising:

wherein the predetermined location includes the longitude and latitude

information;

wherein the proximity corresponds to the coverage area;

presenting the requested information in an iconic format, wherein the receiving of

the requested information shows that the authorization access must been approved as

user device is properly logged in; and

the GUI would modify the what is being presented by the display screen, wherein

the request data would be displayed only of the user device is properly logged in,

therefore the presented information would be associated with authorizing access to user

presence attribute information associated with one or more users utilizing the user

device.

22.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy

et al. (US Patent 6,957,217) in view of AAPA as applied to claim 1, and further in view

of Kruse et al. (US Patent 6,684,279).

Raverdy and AAPA teaches all the limitations of claims 6 and 15 as discussed

above, where both further teach the presence attribute information server comprising:

wherein the user information contains access conditions (e.g. user data of Fig. 4)

for the associated user presence attribute information (AAPA, Specification, p. 2, ll. 19-

22 and Raverdy, col. 9, ll. 26-56); and

determining whether the user device is authorized or precluded to access the

associated user presence attribute information during the login procedure (AAPA,

Specification, p. 2, ll. 19-22 and Raverdy, Fig. 9, ref. 924).

Raverdy and AAPA does not expressly teach the presence attribute information

server comprising wherein access condition entries include a flag which, when an

access condition is met, identifies whether access to the associated presence

information is authorized or precluded.

Kruse teaches a method and apparatus for controlling data transfer comprising

setting a flag when a condition is met, which identifies whether the access to a bus is

authorized or precluded (Fig. 11 and col. 22, ll. 30-43)

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to include Kruse's flag into Raverdy and AAPA's access condition

entries for the benefit of providing data access control without using another dedicated

signal line (Kruse, col. 24, ll. 32-36) to obtain the invention as specified in claim 12.

IV. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the

application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-23 have received a first action on the merits

and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is

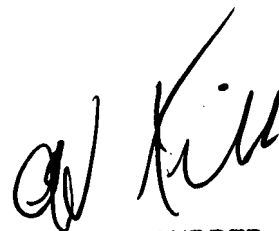(571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

IMPORTANT NOTE

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 06, 2007   Chun-Kuan (Mike) Lee
                                                   Examiner
                                                   Art Unit 2181

ALFORD KINDRED
PRIMARY EXAMINER